

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement:

Germaine Evette Velasquez

Registered Nurse License No. 611468

Petitioner.

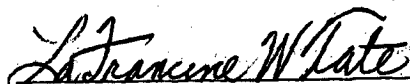
OAH No. 2008100820

DECISION

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on February 13, 2009.

IT IS SO ORDERED this 15th day of January 2009.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for
Reinstatement of:

OAH No. 2008100820

GERMAINE EVETTE VELASQUEZ,

Petitioner.

DECISION

This matter was heard before a quorum of the Board of Registered Nursing (Board) in Los Angeles, California, on November 20, 2008. Humberto Flores, Administrative Law Judge, Office of Administrative Hearings, presided.

Alvaro Mejia, Deputy Attorney General, represented the Attorney General pursuant to Government Code section 11522. Petitioner Germaine Evette Velasquez represented herself.

FACTUAL FINDINGS

1. On January 6, 2003, the Board issued registered nurse license number 611468 to Petitioner.

2. On October 20, 2004, the Board's executive officer filed an accusation alleging that petitioner was subject to discipline under Business and Professions Code section 2761, subdivision (f), based on Petitioner's convictions of three counts of felony assault with a deadly weapon, violations of Penal Code section 245, subdivision (a)(1), and one count of assault on a police officer, a violation of Penal Code section 243, subdivision (B). The Board found that these crimes were substantially related to the duties, qualifications and functions of a registered nurse. The facts and circumstances underlying the convictions, as set forth in the accusation, were as follows:

(a) Petitioner's conviction of assault with a deadly weapon was based on her conduct on December 20, 2003. On that day, Petitioner was admitted to Pacific Hospital in Long Beach, while at this hospital, Petitioner swung her fists at nurses on duty, ran through the hallways with syringes containing medication, beat one nurse with her fists, stabbed a nurse in the back with a syringe filled with sedative, and threw syringes at mental health workers and at nurses before she was subdued.

(b) Petitioner's conviction for assault on a police officer was based on conduct that occurred on December 22, 2003. In this incident, while Petitioner was still at Pacific Hospital, the accusation alleged that Petitioner was caught engaging in sex with a male patient and thereafter used force and violence on a police officer while the police officer was performing his/her duties. Finally, the Accusation alleged that on November 7, 2003, Petitioner pushed and struck her boyfriend at their residence.

3. The accusation referenced in Factual Finding 2 also alleged unprofessional conduct as a cause for discipline under Business and Professions Code 2761, subdivision (a)(1), based on Petitioner's conduct underlying her convictions, and for an assault and battery on her then boyfriend at their residence on November 7, 2003.

4. On September 23, 2005, Petitioner signed a Stipulated Surrender of License and Order wherein Petitioner agreed that the Complainant in that matter could establish a factual basis for all of the charges in Accusation No. 2005-72, and that those charges constitute cause for discipline.

5. On February 23, 2006, the Board adopted the Stipulation Surrender of License and Order, and effective March 23, 2006, revoked Petitioner's license.

6. The Board received the instant Petition on September 23, 2008.

7. Petitioner has had mental problems since 1996. She has been diagnosed with Chronic Paranoid Schizophrenia. She is currently under the care of a physician who prescribed Depakote, Risperdal and Cogentin to address the symptoms of her mental condition.

8. Petitioner's father testified on her behalf and attested to the gains she has made in addressing the symptoms of her mental disorder. Petitioner testified that she is receiving therapy, is taking her medication, and is now stable. She also presented evidence that she has taken numerous continuing education courses to maintain her skills as a nurse.

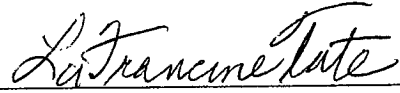
LEGAL CONCLUSION

Cause does not exist pursuant to Business and Professions Code Section 2760.1, to grant the Petition for Reinstatement of a Revoked License submitted by Petitioner. Petitioner's evidence of rehabilitation has been considered by the Board. Petitioner did not present sufficient evidence to support her request for reinstatement. Respondent was recently convicted of four violent crimes, three of which were felonies. Further, the Board is not convinced that at this time, Petitioner is stable enough to handle the pressures of working as a registered nurse.

ORDER

The Petition for Reinstatement of Germaine Evette Velasquez, is denied.

DATED: January 15, 2009

A handwritten signature in cursive script, reading "LaFrancine Tate", written over a horizontal line.

LaFRANCINE TATE

President

Board of Registered Nursing

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

GERMAINE EVETTE VELASQUEZ
25400 Oak Street #4
Lomita, CA 90717

Registered Nurse License No. 611468

Respondent.

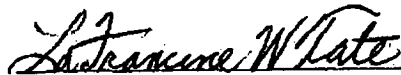
Case No. 2005-72

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 24, 2006.

IT IS SO ORDERED this February 23, 2006.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 TERRENCE M. MASON, State Bar No. 158935
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-6294
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2005-72

13 GERMAINE EVETTE VELASQUEZ
1843 West 46th Street
14 Los Angeles, CA 90062

OAH No. L-2005080322

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Registered Nurse License No. 611468

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing (Board). She brought this action solely in her official capacity
22 and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by
23 Terrence M. Mason, Deputy Attorney General.

24 2. Germaine Evette Velasquez (Respondent) is represented in this proceeding
25 by attorney Denise McLaughlin-Bennett, whose address is 43423 North Division, #402,
26 Lancaster, CA 93534.

27 3. On or about January 6, 2003, the Board of Registered Nursing issued
28 Registered Nurse License No. 611468 to Germaine Evette Velasquez (Respondent). The License

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 2005-
2 72. The license expired on August 31, 2004, and has not been renewed.

3 JURISDICTION

4 4. Accusation No. 2005-72 was filed before the Executive Officer (Nursing
5 Board) , and is currently pending against Respondent. The Accusation and all other statutorily
6 required documents were properly served on Respondent on October 28, 2004. Respondent
7 timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2005-72
8 is attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2005-72. Respondent also has
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent understands that the charges and allegations in Accusation No.
25 2005-72 , if proven at a hearing, constitute cause for imposing discipline upon her Registered
26 Nurse License.

27 9. For the purpose of resolving the Accusation without the expense and
28 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could

1 establish a factual basis for the charges in the Accusation and that those charges constitute cause
2 for discipline. Respondent hereby gives up her right to contest that cause for discipline exists
3 based on those charges.

4 10. Respondent understands that by signing this stipulation she enables the
5 Nursing Board to issue an order accepting the surrender of her Registered Nurse License without
6 further process.

7 RESERVATION

8 11. The admissions made by Respondent herein are only for the purposes of
9 this proceeding, or any other proceedings in which the Executive Officer or other professional
10 licensing agency is involved, and shall not be admissible in any other criminal or civil
11 proceeding.

12 CONTINGENCY

13 12. This stipulation shall be subject to approval by the Executive Officer.
14 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
15 Registered Nursing may communicate directly with the Nursing Board regarding this stipulation
16 and surrender, without notice to or participation by Respondent or her counsel. By signing the
17 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
18 to rescind the stipulation prior to the time the Nursing Board considers and acts upon it. If the
19 Nursing Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender
20 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
21 inadmissible in any legal action between the parties, and the Nursing Board shall not be
22 disqualified from further action by having considered this matter.

23 13. The parties understand and agree that facsimile copies of this Stipulated
24 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
25 and effect as the originals.

26 14. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Board may, without further notice or formal proceeding, issue and enter the
28 following Order:

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1 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
2 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
3 by the Decision and Order of the Executive Officer.

4 DATED: 09-23-05

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7 GERMAINE EVETTE VELASQUEZ
8 Respondent

9 I have read and fully discussed with Respondent Germaine Evette Velasquez the
10 terms and conditions and other matters contained in this Stipulated Surrender of License and
11 Order. I approve its form and content.

12 DATED: 9/23/05


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14 
15 DENISE MCLAUGHLIN-BENNETT
16 Attorney for Respondent

17
18 **ENDORSEMENT**

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully
20 submitted for consideration by the Executive Officer.

21 DATED: 9/23/05

22 BILL LOCKYER, Attorney General
23 of the State of California

24 
25 TERRENCE M. MASON
26 Deputy Attorney General
27 Attorneys for Complainant

C

Exhibit A
Accusation No. 2005-72

1 BILL LOCKYER, Attorney General
of the State of California
2 TERRENCE M. MASON, State Bar No. 158935
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-6294
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. *2005-72*

12 **GERMAINE EVETTE VELASQUEZ**
1843 West 46th Street
13 Los Angeles, CA 90062

A C C U S A T I O N

14 Registered Nurse License No. 611468

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N., (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs (Board).

22 2. On or about January 6, 2003, the Board of Registered Nursing issued
23 Registered Nurse License No. 611468 to Germaine Evette Velasquez (Respondent). The license
24 expired on August 31, 2004 and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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1 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

2 8. California Code of Regulations, title 16, section 1444, states:

3 "A conviction or act shall be considered to be substantially related to the
4 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
5 present or potential unfitness of a registered nurse to practice in a manner consistent with the
6 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
7 following:

8 "(a) Assaultive or abusive conduct including, but not limited to, those violations
9 listed in subdivision (d) of Penal Code Section 11160.

10 "(b) Failure to comply with any mandatory reporting requirements.

11 "(c) Theft, dishonesty, fraud, or deceit.

12 "(d) Any conviction or act subject to an order of registration pursuant to Section
13 290 of the Penal Code."

14 9. California Code of Regulations, title 16, section 1442, states:

15 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
16 departure from the standard of care which, under similar circumstances, would have ordinarily
17 been exercised by a competent registered nurse. Such an extreme departure means the repeated
18 failure to provide nursing care as required or failure to provide care or to exercise ordinary
19 precaution in a single situation which the nurse knew, or should have known, could have
20 jeopardized the client's health or life."

21 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
22 request the Administrative Law Judge to direct a licensee found to have committed a violation or
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
24 and enforcement of the case.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Convictions of Substantially Related Crimes)**

27 11. Respondent is subject to disciplinary action under sections 2761,
28 subdivision (f), and 490 of the Code as defined in California Code of Regulations, title 16, section

1 1444 in that she was convicted of substantially related crimes. The circumstances are as follows:

2 a. On or about August 18, 2004, Respondent was convicted on a plea of guilty
3 to three counts of violating Penal Code section 245(a)(1), (assault with a deadly weapon), a
4 felony, in the Superior Court for the County of Los Angeles, Long Beach Judicial District, Case
5 No. NA059627, entitled *The People of the State of California v. Germaine Velasquez*.

6 b. The circumstances surrounding the conviction are that on or about
7 December 20, 2003, Respondent attacked three nurses, stabbing one nurse in the back with a
8 syringe filled with medication.

9 c. On or about August 20, 2004, Respondent was convicted by the Court on a
10 plea of nolo contendere to one count of violating Penal Code section 243(B), (battery on a peace
11 officer), a misdemeanor, in the Superior Court for the County of Los Angeles, Long Beach
12 Judicial District, Case No. 4LM00169, entitled *The People of the State of California v. Germaine*
13 *Velasquez*.

14 d. The circumstances surrounding the conviction are that on or about
15 December 22, 2003, Respondent used force and/or violence on a peace officer, while the officer
16 was engaged in the performance of his/her duties.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Gross Negligence)**

19 12. Respondent is subject to disciplinary action under sections 2761,
20 subdivision (a) (1), on the grounds of unprofessional conduct as defined in California Code of
21 Regulations, title 16, section 1444, subdivision (a) in that on or about December 20, 2003,
22 Respondent committed acts of gross negligence. The circumstances are as follows:

23 a. On or about December 20, 2003, Respondent was admitted to Pacific
24 Hospital located at 2776 Pacific Avenue in Long Beach, California. While at the hospital, on
25 December 20, 2003, Respondent swung her fists at nurses, ran through the hallways wielding
26 syringes containing medication, beat one nurse with her fists, stabbed a nurse in the back with a
27 syringe filled with sedative, and threw syringes at nurses and a mental health worker before she
28 was subdued.

b. On or about December 22, 2003, while a patient at Pacific Hospital, Respondent was caught in one of the hospital rooms having sex with a male patient.

c. On or about December 22, 2003, in the City of Long Beach, County of Los Angeles, Respondent used force and violence against a police officer while the officer was engaged in the performance of his/her duties.

d. On or about November 7, 2003, Respondent pushed, struck, and scratched her boyfriend at their residence located at 1843 West 46th Street in Long Beach, California.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issued a decision:

1. Revoking or suspending Registered Nurse License No. 611468, issued to
 Germaine Evette Vasquez;

2. Ordering Germaine Evette Vasquez to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 10/20/04

Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant